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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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MICHAEL PAUL EAGAR,  
Plaintiff,

v.

DENNIS DRAKE, JAMES EARDLEY,  
ALAN GARDNER, and JAMES CRISP,  
Defendants.

**MEMORANDUM DECISION AND  
ORDER DISMISSING WITHOUT  
PREJUDICE AFTER REMAND**

Case No. 4:19-cv-00061-DN

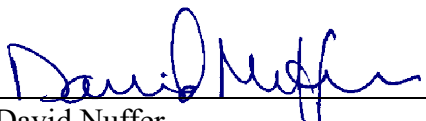
District Judge David Nuffer  
Magistrate Judge Paul Kohler

On April 10, 2020, Plaintiff's claims against Defendant James Crisp ("Crisp") were dismissed with prejudice.<sup>1</sup> On December 11, 2020, the Tenth Circuit Court of Appeals affirmed the dismissal, but remanded to the district court to modify the dismissal of the takings and trespass claims against Crisp to be without prejudice.<sup>2</sup>

IT IS THEREFORE ORDERED that Plaintiff's takings and trespass claims against Crisp shall be DISMISSED without prejudice. The claims against the other defendants are DISMISSED with prejudice.

Signed January 19, 2021.

BY THE COURT:

  
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David Nuffer  
United States District Judge

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<sup>1</sup> Memorandum Decision and Order Granting [15] Defendant James Crisp's Motion to Dismiss, [docket no. 29](#), filed Apr. 10, 2020; Judgment in a Civil Case, [docket no. 30](#), filed April 10, 2020.

<sup>2</sup> [Docket no. 38](#).